

**MINUTES OF THE CITY-COUNTY COUNCIL
AND
SPECIAL SERVICE DISTRICT COUNCILS
OF
INDIANAPOLIS, MARION COUNTY, INDIANA

REGULAR MEETINGS**

MONDAY, OCTOBER 10, 2005

The City-County Council of Indianapolis, Marion County, Indiana and the Indianapolis Police Special Service District Council, Indianapolis Fire Special Service District Council and Indianapolis Solid Waste Collection Special Service District Council convened in regular concurrent sessions in the Council Chamber of the City-County Building at 7:02 p.m. on Monday, October 10, 2005, with President Talley presiding.

Councillor Oliver introduced Reverend Leroy Dinkins, Concerned Clergy, who led the opening prayer. Councillor Oliver then invited all present to join him in the Pledge of Allegiance to the Flag. The Indianapolis Children's Choir then sang the National Anthem.

ROLL CALL

President Talley instructed the Clerk to take the roll call and requested members to register their presence on the voting machine. The roll call was as follows:

28 PRESENT: Abdullah, Borst, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Conley, Day, Gibson, Gray, Keller, Langsford, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Sanders, Schneider, Speedy, Talley
1 ABSENT: Franklin

A quorum of twenty-eight members being present, the President called the meeting to order.

INTRODUCTION OF GUESTS AND VISITORS

Councillor Nytes recognized Bill Brown of Indiana Equality. Councillor Gray recognized childhood friend Billy Sears. Councillor Gibson recognized Tom O'Donnell of the Central Indiana Building Trades. Councillor Oliver recognized the family of Lamon Brewster, heavyweight boxing champion of the world.

OFFICIAL COMMUNICATIONS

The President called for the reading of Official Communications. The Clerk read the following:

TO ALL MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA

Ladies And Gentlemen :

You are hereby notified the REGULAR MEETINGS of the City-County Council and Police, Fire and Solid Waste Collection Special Service District Councils will be held in the City-County Building, in the Council Chambers, on Monday, October 10, 2005, at 7:00 p.m., the purpose of such MEETINGS being to conduct any and all business that may properly come before regular meetings of the Councils.

Respectfully,
s/Steve Talley
President, City-County Council

September 26, 2005

TO PRESIDENT TALLEY AND MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in the *Court & Commercial Record* on Wednesday, September 28, 2005 and in the *Indianapolis Star* on Thursday, September 29, 2005, a copy of a Notice of Public Hearing on Proposal Nos. 463-466, 472, 474-485, and 488-490,, 2005, said hearing to be held on Monday, October 10, 2005, at 7:00 p.m. in the City-County Building.

Respectfully,
s/Jean Ann Milharcic
Clerk of the City-County Council

September 27, 2005

TO PRESIDENT TALLEY AND MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

I have approved with my signature and delivered this day to the Clerk of the City-County Council, Jean Ann Milharcic, the following ordinances:

FISCAL ORDINANCE NO. 112, 2005 – adopts the annual budget for the Metropolitan Emergency Communications Agency for 2006

FISCAL ORDINANCE NO. 113, 2005 - adopts the annual budget for the Revenue Bonds Debt Service Funds for 2006

FISCAL ORDINANCE NO. 114, 2005 - adopts the annual budget for the Marion County Office of Family and Children for 2006

FISCAL ORDINANCE NO. 115, 2005 - adopts the annual budget for Indianapolis and Marion County for 2006

POLICE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 1, 2005 – adopts the annual budget for the Police Special Service District for 2006

FIRE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 1, 2005 – adopts the annual budget for the Fire Special Service District for 2006

SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 1, 2005 – adopts the annual budget for the Solid Waste Collection Special Service District for 2006

GENERAL ORDINANCE NO. 97, 2005 – increases the amount of fines and late charges for parking tickets and other violations paid through the Ordinance Violations Bureau

GENERAL ORDINANCE NO. 98, 2005 – authorizes intersection controls for the Vineyards of Fall Creek subdivision (District 5)

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GENERAL ORDINANCE NO. 99, 2005 – authorizes intersection controls for the White Oaks Farms subdivision, section 1 (District 24)

SPECIAL ORDINANCE NO. 2, 2005 – elects to fund MECA in 2006 with County Option Income Tax (COIT) revenues

SPECIAL RESOLUTION NO. 60, 2005 – honors David N. Griffiths on his retirement as President and CEO of Citizen's Gas and for his years of service to Indianapolis and the State of Indiana

SPECIAL RESOLUTION NO. 61, 2005 – recognizes the Ben Davis High School Media Program

SPECIAL RESOLUTION NO. 62, 2005 – recognizes the Municipal Gardens Dance Team

SPECIAL RESOLUTION NO. 63, 2005 – recognizes the 59th celebration of India Independence Day

SPECIAL RESOLUTION NO. 64, 2005 – recognizes the USS Indianapolis Memorial Museum, Inc.

SPECIAL RESOLUTION NO. 65, 2005 – recognizes Molly Seward as the 2005 Indiana Teacher of the Year

SPECIAL RESOLUTION NO. 66, 2005 – amends Special Resolution No. 18, 2005 approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds

Respectfully,
s/Bart Peterson, Mayor

ADOPTION OF THE AGENDA

The President proposed the adoption of the agenda as distributed. Without objection, the agenda was adopted.

APPROVAL OF THE JOURNAL

The President called for additions or corrections to the Journal of September 19, 2005. There being no additions or corrections, the minutes were approved as distributed.

PRESENTATION OF PETITIONS, MEMORIALS, SPECIAL RESOLUTIONS, AND COUNCIL RESOLUTIONS

PROPOSAL NO. 541, 2005. The proposal, sponsored by All Councillors, recognizes the 20th anniversary of the Indianapolis Children's Choir. Councillor Nytes read the proposal and Councillor Borst presented representatives with copies of the document and Council pins. Councillor Borst stated that the Children's Choir has made a great impact on many events, including sporting events such as the National Swimming Championships, where they sang anthems in every language. Steven Stolen, Chief Executive Officer; Brad Arthur, board president; and Henry Leck, founder and artistic director, thanked the Council for the recognition and stated that they have tremendous support from the community. Councillor Nytes moved, seconded by Councillor Borst, for adoption. Proposal No. 541, 2005 was adopted by a unanimous voice vote.

Proposal No. 541, 2005 was retitled SPECIAL RESOLUTION NO. 67, 2005, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 67, 2005

A SPECIAL RESOLUTION recognizing the 20th Anniversary of the Indianapolis Children's Choir.

WHEREAS, with the 2005-2006 season, the Indianapolis Children's Choir celebrates its 20th anniversary. As one of the largest and most successful children's choral programs in the United States,

ICC has more than 1,900 singers in over 25 organized choral groups that serve the widest constituency of any arts and cultural group in the city; and

WHEREAS, founded in 1986 by artistic director, Henry Leck, and under the artistic and educational leadership of Ruth Dwyer, the ICC provides youth through 18 years of age the opportunity to sing, learn, grow and excel through quality musical experiences that emphasize the development of musical skills and understanding; and

WHEREAS, in residence on the Butler University campus, the choir makeup reflects the diversity of Central Indiana. Singers come from 17 counties, embracing the urban environment of Indianapolis, the suburbs surrounding the city, and many small rural communities. Choir children represent more than 224 public schools, 38 parochial schools, 26 private schools, 6 charter schools, and a number of home schools; and

WHEREAS, in addition to its own concert series, the ICC performs regularly with professional symphony orchestras and has shared the stage with various professional ensembles. The ICC has also produced a number of professional recordings and tours regularly, both nationally and abroad; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council congratulates the ICC on celebrating its 20th anniversary.

SECTION 2. The Council extends its congratulations to Mr. Leck, Ms. Dwyer, and Mr. Steven Stolen, the current CEO and Executive Director, as well as the hard-working board, volunteers, and many families who give so much to support the ICC's great work.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 450, 2005. The proposal, sponsored by Councillors Talley and Sanders, recognizes Jim O'Donnell and the other USS Indianapolis survivors. Councillor Sanders read the proposal and presented Mr. O'Donnell with a copy of the document and a Council pin. Mr. O'Donnell and his son Tom O'Donnell, president of the Central Indiana Building Trades, thanked the Council for the recognition. Councillor Sanders moved, seconded by Councillor Borst, for adoption. Proposal No. 450, 2005 was adopted by a unanimous voice vote.

Proposal No. 450, 2005 was retitled SPECIAL RESOLUTION NO. 68, 2005, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 68, 2005

A SPECIAL RESOLUTION recognizing Jim O'Donnell and the USS Indianapolis survivors.

WHEREAS, for Jim O'Donnell, a retired Indianapolis firefighter and one of the 317 survivors of the sinking of the USS Indianapolis, nothing will erase the memories of the worst sea disaster in the history of the United States Navy; and

WHEREAS, on July 30, 1945, the ship was 300 miles from land in the South Pacific, sailing toward the Philippines after a secret mission to deliver components for an atomic bomb that would be used against Japan. A pair of torpedoes from a Japanese submarine ignited 3,500 gallons of high-octane aircraft fuel, and the battle cruiser sank in an astonishing twelve minutes, killing an estimated 300 crewmen immediately. Sharks and exposure killed nearly 600 more before rescuers found the survivors on August 2nd; and

WHEREAS, reunions have helped the survivors by keeping them in touch with others who understand what they have been through (the first reunion was in 1960), and several for the men have published an account of the sinking, "Only 317 Survived", written in the survivors' own words. The book has been through two editions totaling 20,000 copies; and

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WHEREAS, the survivors' next challenge is to keep the story alive. The city unveiled the USS Indianapolis National Memorial near the Downtown canal in 1995, and the survivors continue to raise money for a museum dedicated to the ship. Their descendents have formed the group, "Second Watch" to make sure the story is not forgotten; and

WHEREAS, for Mr. O'Donnell the story of the ship has many chapters, including its impressive battle record before the sinking. He thinks the story of the survivors has a simple moral: "We made it because we didn't give up. No matter what happens, you just don't give up."; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council salutes Mr. O'Donnell and the remaining survivors for their honor and bravery while serving their country.

SECTION 2. The Council supports the survivors in their successful efforts to make sure their story is never forgotten.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 542, 2005. The proposal, sponsored by Councillor Talley, recognizes Indianapolis as a bicycle friendly community. Councillor Sanders read the proposal and presented representatives with copies of the document and Council pins. Connie Szabo and Jonathan Jewelette, Indiana Bicycle Coalition, thanked the Council for the recognition. Ray Irvin, Greenways Director, said that they are working with the Department of Public Works to get more dedicated bike lanes throughout the County. Councillor Sanders moved, seconded by Councillor Bowes, for adoption. Proposal No. 542, 2005 was adopted by a unanimous voice vote.

Proposal No. 542, 2005 was retitled SPECIAL RESOLUTION NO. 69, 2005, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 69, 2005

A SPECIAL RESOLUTION recognizing Indianapolis as a bicycle friendly community.

WHEREAS, in 2003 Indianapolis applied to the League of American Bicyclists for a Bicycle Friendly Community designation and received an Honorable Mention, with specific suggestions on how to improve the City for bicycling; and

WHEREAS, bicycling offers the potential for cleaner air, greater health of the population, reduced traffic congestion, more livable communities, less reliance on fossil fuels and their foreign supply sources, and more efficient use of road space and resources; and

WHEREAS, the Indiana Bicycle Coalition has been working with the Indiana Department of Transportation on a project to include a bicycle parking facility in some major buildings which have received funding through the federal transportation bill recently passed. Additionally, the Coalition is looking at working with Central Indiana Commuting Services to identify major employers who would be committed to adding bicycle parking facilities to their business as well as public partners to help move planned projects along; and

WHEREAS, Indianapolis has the extraordinary opportunity to build on the popular Monon Trail and other regional trails and greenways. With the recent expansion of Bike To Work Day, the bike rack on buses program, adoption of the Indianapolis Bicycle Plan, and proposed trail expansions, the City could rapidly become a model for many similar large mid-western cities; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council recognizes the many positive qualities of bicycling and the numerous opportunities that are part of this popular and healthy activity.

SECTION 2. The Indianapolis City-County Council is strongly committed to improving conditions for bicycling and affirms that accommodations for bicycling shall be a routine part of planning, design, construction and operating activities.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 543, 2005. The proposal, sponsored by Councillors Talley, Gibson, Sanders and Conley, recognizes Childhood Cancer Awareness Week. Councillor Gibson read the proposal and stated that it will be presented to health professionals at a later date. Councillor Gibson moved, seconded by Councillor Conley, for adoption. Proposal No. 543, 2005 was adopted by a unanimous voice vote.

Proposal No. 543, 2005 was retitled SPECIAL RESOLUTION NO. 70, 2005, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 70, 2005

A SPECIAL RESOLUTION recognizing Childhood Cancer Awareness Week.

WHEREAS, this year Childhood Cancer Awareness Week will be observed from October 24th through October 31st; and

WHEREAS, childhood cancer is the leading cause of death in children in the United States. Each day approximately 46 children are diagnosed with some form of cancer, and one in 300 children will develop cancer by the age of 20; and

WHEREAS, childhood cancer is devastating and creates unique pressures on the entire family; it is not only an emotionally draining experience, it is financially draining as well; and

WHEREAS, by observing Childhood Cancer Awareness Week, many goals can be accomplished, such as increasing public awareness and helping to support not only children whose lives are affected by cancer, but also the whole family support system in the treatment and recovery ; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council heartily supports awareness for childhood cancer by observing this very special week.

SECTION 2. The Council strongly encourages the local community to recognize, support, and offer assistance for cancer awareness so that one day this devastating illness may be eradicated.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 544, 2005. The proposal, sponsored by Councillors Talley, Gibson, Sanders and Conley, recognizes October 24, 2005 as "April Green Day" in Indianapolis. Councillor Conley read the proposal and stated that Ms. Green's health is failing and she is unable to be here this evening. He said that the resolution will be presented to her at a later date. Garland Graves, Council Liaison for the Mayor's Office, read a proclamation in honor of April Green, proclaiming August 10, 2005 "April Green Day" in Indianapolis. Councillor Conley moved, seconded by Councillor Gibson, for adoption. Proposal No. 544, 2005 was adopted by a unanimous voice vote.

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Proposal No. 544, 2005 was retitled SPECIAL RESOLUTION NO. 71, 2005, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 71, 2005

A SPECIAL RESOLUTION recognizing Monday, October 10, 2005 as "April Green Day" in Indianapolis.

WHEREAS, April Green is a fourteen month old cancer patient who is currently undergoing medical treatment; and

WHEREAS, April's mother, Jenny, a single parent, nominated her daughter for a Kids Cancer Connection (part of the American Cancer Fund for Children, Inc. family) "Courageous Kid" recognition award which will be presented to her on October 24, 2005; and

WHEREAS, this very special recognition will honor April for her "determination and bravery to fight the battle against childhood cancer."; and

WHEREAS, April recently completed a round of chemotherapy at the end of August but had to begin radiation just weeks ago. She is receiving her ongoing therapy in both Bloomington, Indiana and at Riley Children's Hospital in Indianapolis; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council extends its most sincere prayers and wishes to April and her mother for April's complete recovery in her fight against childhood cancer.

SECTION 2. The Council is both honored and proud to recognize October 10, 2005 as "April Green Day" in Indianapolis.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 545, 2005. The proposal, sponsored by Councillor Pfisterer, recognizes Rhoades Elementary School as a "No Child Left Behind" Blue Ribbon School of 2005. Councillor Pfisterer read the proposal and presented representatives with copies of the document and Council pins. Melissa Briscoe, principal, thanked the Council for the recognition. Councillor Pfisterer moved, seconded by Councillor Salisbury, for adoption. Proposal No. 545, 2005 was adopted by a unanimous voice vote.

Proposal No. 545, 2005 was retitled SPECIAL RESOLUTION NO. 72, 2005, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 72, 2005

A SPECIAL RESOLUTION recognizing Rhoades Elementary School as a No Child Left Behind Blue Ribbon School of 2005.

WHEREAS, two hundred and ninety-five schools in the nation have been named No Child Left Behind Blue Ribbon Schools for 2005. United States Secretary of Education, Margaret Spellings awarded eleven Indiana schools this honor, which includes Rhoades Elementary School in Indianapolis; and

WHEREAS, Blue Ribbon Schools are an example of what teachers and students can achieve when there is insistence on results and accountability in return for federal investment in education; and

WHEREAS, the No Child Left Behind Blue Ribbon Schools program recognizes schools that make significant progress in closing the achievement gap or whose students achieve at very high levels; and

WHEREAS, under No Child Left Behind, schools must make adequate yearly progress in reading, language arts, and mathematics. Each state sets its own academic standards and benchmark goals because each state knows best what goals and criteria are most appropriate for its school districts; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council extends hearty congratulations to the teachers and students at Rhoades Elementary School.

SECTION 2. The Council strongly supports all efforts in which both children and teachers can be enriched through education.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 546, 2005. The proposal, sponsored by Councillor Oliver, recognizes the 7th Annual Family Fun-Filled Back to School Carnival Celebration. Councillor Boyd read the proposal and presented copies of the document and Council pins to representatives. Sheryl Wise, organizer of the event, and Rev. Dinkins thanked the Council for the recognition. Councillor Oliver moved, seconded by Councillor Boyd, for adoption. Proposal No. 546, 2005 was adopted by a unanimous voice vote.

Proposal No. 546, 2005 was retitled SPECIAL RESOLUTION NO. 73, 2005, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 73, 2005

A SPECIAL RESOLUTION recognizing Sheryl Wise and the seventh annual Family Fun-Filled Back-To-School Carnival Celebration.

WHEREAS, the Back-To-School celebration promotes parental involvement and is designed to direct families and children toward community resources. Parents are informed about the benefits of school and why their involvement is necessary, as well as given the opportunity to meet their child's superintendent, principles, and teachers; and

WHEREAS, school corporations, community organizations, and businesses provide support with activities, demonstrations, exhibits, and services which include free haircuts for children, martial arts lessons, arts and crafts, teaching computer literacy, free immunizations, and other health screenings.; and

WHEREAS, the price of admission to the celebration is to bring a parent/guardian. Each family is asked to sign a pledge of commitment to parental involvement in the school at the registration table. This partnership was born out of the Columbine crisis. Community residents and leaders of many organizations have assumed the primary responsibility for future annual celebrations that promote parental involvement; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council extends hearty congratulations to all who have been involved in the success of this celebration.

SECTION 2. The Council is proud to support this community-led educational celebration, which started seven years ago with 3,000 attendees and has since grown to over 15,000.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

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SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 547, 2005. The proposal, sponsored by Councillor Langsford, congratulates St. John United Church of Christ (Cumberland) upon their 150th anniversary. Councillor McWhirter stated that Councillor Langsford was called out of the room temporarily on fire department business and asked that the proposal be adopted to be presented at a later date to representatives. She moved, seconded by Councillor Cockrum, for adoption. Proposal No. 547, 2005 was adopted by a unanimous voice vote.

Proposal No. 547, 2005 was retitled SPECIAL RESOLUTION NO. 74, 2005, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 74, 2005

A SPECIAL RESOLUTION congratulating St. John United Church of Christ (Cumberland) upon their 150th anniversary.

WHEREAS, in 1855, shortly before America's Civil War, 15 German-speaking local settlers organized a new congregation, and immediately constructed a church building on farmland donated by Heinrich Koch at the corner of the National Road (U.S. 40) and German Church Road; and

WHEREAS, over the years the church itself and its many farming families left their imprint upon the local area with the names of roads, including: German Church Road, Meussing, Mitthoefer, Lichtenberg, Kitley, Carroll White, Bade and Hartman; and

WHEREAS, during the past century and a half a private St. John cemetery was added, its own school operated in the 1800's, the Sunday School program began in 1903, vacation bible school in 1922, and a new church addition wing was built in 1958; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council congratulates St. John United Church of Christ in Cumberland, Indiana, upon its service to the Lord during the past 150 years, and wishes them well during their year-long series of commemorative events as they fulfill the anniversary theme of "Remember the Past, Celebrate the Present, and Hope for the Future."

SECTION 2. May its members and friends, led by co-pastors Dennis and Linda Frische-Mouri, be uplifted by the congregation's rich heritage, enjoy the year-long celebration during 2005, and be inspired to a bright future in the work of the Lord for many generations yet to come.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 558, 2005. The proposal, sponsored by Councillor Oliver, recognizes Lamon Brewster, the World Boxing Organization Heavyweight Champion from Indianapolis, Indiana. Councillor Oliver read the proposal and presented copies of the document and Council pins to Mr. Brewster and his family. Mr. Brewster thanked the Council for the recognition and encouraged them to continue to support community programs to keep kids off the streets and lead them toward more productive activities that will serve them well later in life. He thanked his family for their support. Councillor Oliver moved, seconded by Councillor Conley, for adoption. Proposal No. 558, 2005 was adopted by a unanimous voice vote.

Proposal No. 558, 2005 was retitled SPECIAL RESOLUTION NO. 75 2005, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 75, 2005

A SPECIAL RESOLUTION recognizing Lamon Brewster, the World Boxing Organization Heavyweight Champion from Indianapolis, Indiana.

WHEREAS, growing up as the oldest of four children in Indianapolis, Lamon was an overly energetic boy whose hero was Bruce Lee. Unfortunately for his mother's furniture, he karate-chopped and demolished everything in his path (including a brand new drum set he received for a birthday present). His mother took him to Riverside Gym, hoping boxing classes would burn off some of his energy; and

WHEREAS, while most boys his age were playing video games, Lamon was training under the guidance of Bill Brown, who was a stable-mate and friend of heavyweight great Jack Dempsey. Lamon was a gifted all-around athlete, excelling in swimming, football, and boxing, but the eighty-year old Brown encouraged Lamon to narrow his focus to the "sweet science" and, by the age of fifteen, he was fighting adults...and winning; and

WHEREAS, in 1991 an eighteen-year old Lamon moved to Los Angeles to make a name for himself in the boxing world. Under the tutelage of legendary boxing trainer, Bill Slayton, Lamon's amateur career was stellar. He was a two-time Indiana Golden Gloves Champion and a two-time California Golden Gloves Champion. He also won the Indiana Expo, Ohio State Fair, a silver medal in the Pan Am Games and, in 1995, he won the ABF Nationals. In 1996 he won the Olympic Summer Fest and brought home the Olympic Trial Runner-Up Award. He was also voted the trials' boxer "Most Likely to Succeed as a Professional."; and

WHEREAS, Lamon's career hit a small bump in May of 2000 when he faced off with another undefeated prospect. Lamon was on his way to his twenty-fourth straight win, but late in the first round tore the ligaments in his knee. He continued to fight for the full ten rounds, and although he lost the decision, many considered it the Fight of the Year. Shortly after that, he signed with world-renowned boxing promoter, Don King and quickly became the new WBO heavyweight champ; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council proudly recognizes one of its own. Once a young fighter with a dream to become champion, Lamon has evolved into one of today's top heavyweights and has produced some of boxing's most exciting bouts.

SECTION 2. The Council also acknowledges Lamon for his dedication to his home and community. This loving husband and father of three is also committed to lending his time to promote children's literacy, ending pet overpopulation, and helping to combat AIDS.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 516, 2005. Introduced by Councillors Sanders and McWhirter. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$63,563 in the 2005 Budget of Voters Registration (County General Fund) to pay unexpected shortfalls in personal services and capital outlays, financed by a transfer between characters"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 517, 2005. Introduced by Councillor Sanders. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$2,322,513 in the Budget of the Information Services Agency (Information Services Internal Service Fund) to make the financing payment for the purchase of equipment and software needed to implement the

JUSTICE.NET project, financed by pass through charges to the Clerk of the Marion County Circuit Court, and to implement an Urban Area Security Initiative grant to establish fiber optic infrastructure, improve cyber security and establish voice redundancy, financed by pass through charges via a US Department of Homeland Security grant to the Emergency Management Planning Division of the Department of Public Safety"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 518, 2005. Introduced by Councillors Nytes and Keller. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Dixie Wiles Ray to the Marion County Community Corrections Advisory Board"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 519, 2005. Introduced by Councillor Gray. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Terry Buford to the Marion County Community Corrections Advisory Board"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 520, 2005. Introduced by Councillor Keller. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Noel W. Wyatt to the Marion County Community Corrections Advisory Board"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 521, 2005. Introduced by Councillor Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$60,112 in the 2005 Budget of the Department of Public Safety, Police Division (Non-Lapsing Federal Grants Fund), for a delinquency prevention program and for purchase of bullet proof vests, financed by grants from the Indiana Criminal Justice Institute and the US Department of Justice"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 522, 2005. Introduced by Councillors Moriarty Adams and Talley. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$1,708 in the 2005 Budget of the Marion County Sheriff's Department (State and Federal Grants Fund) to assist with salaries for two crime prevention deputies, which planned expenditure will deplete Block Grant 8 received from the Department of Justice"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 523, 2005. Introduced by Councillors Moriarty Adams and Talley. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$51,841 in the 2005 Budget of the Marion County Sheriff's Department (State and Federal Grant Fund) to provide advanced training for courtline and city-county building deputies and to provide sheriff deputies with bullet resistant vests"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 524, 2005. Introduced by Councillor Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$99,045 in the 2005 Budget of the Marion County Clerk's Office (State and Federal Grants Fund) to fund the Protective Order Pro Bono Project of Greater Indianapolis, Inc., financed by a federal grant from the Indiana Criminal Justice Institute"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 525, 2005. Introduced by Councillor Franklin. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$10,000 in the 2005 Budget of the Marion County Forensic Services Agency (County General Fund) to pay for repair to a van damaged in an accident where the at-fault driver did not have insurance"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 526, 2005. Introduced by Councillor Franklin. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$8,127 in the 2005 Budget of the Marion County Forensic Services Agency (State and Federal Grants Fund) to transfer funds from supplies to contractual services and equipment for the DNA Enhancement project associated with a grant the Indiana State Police received from the National Institute of Justice"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 527, 2005. Introduced by Councillor Franklin. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$36,410 in the 2005 Budget of the Marion County Forensic Services Agency (State and Federal Grants Fund) to provide training and equipment for the firearms section, funded by a grant from the National Institute of Justice"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 528, 2005. Introduced by Councillor Borst. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$500 in the 2005 Budget of the Marion Superior Court (State and Federal Grants Fund) to appropriate the Indiana Supreme Court Foreign Language Interpreter Supplemental Grant for interpretive services for cases coming before the court"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 529, 2005. Introduced by Councillors Borst and Randolph. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$48,178 in the 2005 Budget of the Marion County Superior Court (State and Federal Grants Fund) to appropriate the Victims of Crime Act Victim Assistance Grant for the provision of Court Appointment Special Advocate representation by Child Advocates"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 530, 2005. Introduced by Councillors Borst and Randolph. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$124,351 in the 2005 Budget of the Marion Superior Court (State and Federal Grants Fund) to appropriate a grant received from the Indiana Criminal Justice Institute for the continuing program of the Marion County Juvenile Drug Treatment Court"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 531, 2005. Introduced by Councillor Borst. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$40,000 in the 2005 Budget of the Marion Superior Court (Supplemental Adult Probation Fees Fund) to purchase 103 computers for the probation department"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 532, 2005. Introduced by Councillors Moriarty Adams and McWhirter. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$1,000,000 in the 2005 Budget of the Department of Public Safety, Fire Division (Federal Grants Fund), to pay for costs incurred by the Indiana Task Force One to support the following

deployments: Hurricane Katrina (August 27-September 5), Hurricane Ophelia (September 10-17), and Hurricane Rita (September 21-27). The Urban Search and Rescue task force was deployed under the Federal Response Emergency Support Function 9 to assist with the potential destruction anticipated for each of these hurricanes, funded by the Federal Emergency Management Agency"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 533, 2005. Introduced by Councillors Moriarty Adams and Randolph. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$4,085 in the 2005 Budget of the Department of Public Safety, Emergency Management Division (Non-Lapsing Federal Grants Fund), to support the Community Emergency Response Team (CERT) training program, funded by a grant from the US Department of Homeland Security"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 534, 2005. Introduced by Councillor Plowman. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which urges the Indianapolis Police Department and the Marion County Sheriff's Department to collaborate to enhance public safety throughout Marion County"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 535, 2005. Introduced by Councillors Conley, Keller, Mansfield and Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends the Code with regards to sewer rates and charges to better describe the permitting process and provide recovery of fees which will support the operation, maintenance and improvement of the sanitary sewer collection system and advanced wastewater treatment plants"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 536, 2005. Introduced by Councillor Conley. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$150,000 in the 2005 Budget of the Department of Public Works, Engineering Division (Non-Lapsing Federal Grants Fund), to make sanitary sewer repairs in the area near Fall Creek and Shadeland Avenue, financed by a grant from the federal Environmental Protection Agency"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 537, 2005. Introduced by Councillors Conley and Mahern. The Clerk read the proposal entitled: "A Proposal for a Special Resolution which authorizes the Office of Environmental Services to apply for grant assistance from the Indiana Department of Environmental Services (IDEM) to assist in funding the disposal costs associated with the City's household hazardous waste program known as Tox-Drops"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 538, 2005. Introduced by Councillor Randolph. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls for the Brookfield Village Subdivision (District 1)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 539, 2005. Introduced by Councillor Langsford. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls for the Hidden Lakes Subdivision, Section 1 (District 21)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 540, 2005. Introduced by Councillor Plowman. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls for the Wildcat Run Subdivision, Section 16 (District 25)"; and the President referred it to the Public Works Committee.

SPECIAL ORDERS - PRIORITY BUSINESS

PROPOSAL NO. 548, 2005, PROPOSAL NOS. 549-555, 2005, PROPOSAL NO. 556, 2005 and PROPOSAL NO. 557, 2005. Introduced by Councillor Mahern. Proposal No. 548, 2005, Proposal Nos. 549-555, 2005, Proposal No. 556, 2005, and Proposal No. 557, 2005 are proposals for Rezoning Ordinances certified by the Metropolitan Development Commission on September 29 and 13, 2005. The President called for any motions for public hearings on any of those zoning maps changes. There being no motions for public hearings, the proposed ordinances, pursuant to IC 36-7-4-608, took effect as if adopted by the City-County Council, were retitled for identification as REZONING ORDINANCE NOS. 135-144, 2005, the original copies of which ordinances are on file with the Metropolitan Development Commission, which were certified as follows:

REZONING ORDINANCE NO. 135, 2005.

2005-ZON-811

5401-5425 NORTH COLLEGE AVENUE, 720 EAST 54TH STREET, AND 705-707 BUNGALOW COURT (Approximate Addresses), INDIANAPOLIS WASHINGTON TOWNSHIP, COUNCILMANIC DISTRICT # 3.

M S PROPERTIES, LLC, by Thomas Michael Quinn, requests a rezoning of two acres, being in the C-3 (W-5) and D-5 (W-5) Districts, to the C-3 (W-5) classification to provide for neighborhood commercial development.

REZONING ORDINANCE NO. 136, 2005.

2005-ZON-119

1059 AND 1061 UDELL STREET (Approximate Addresses), INDIANAPOLIS CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 15.

AFFORDABLE HOUSING SERVICES CORPORATION requests a rezoning of 0.173 acre, being in the C-3 (W-5) District, to the D-5 (W-5) classification to provide for residential uses.

REZONING ORDINANCE NO. 137, 2005.

2005-ZON-122

2519 NORTH DELAWARE STREET (Approximate Address), INDIANAPOLIS CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 15.

SENTRY HOMES, INC. requests a rezoning of 0.17 acre, being in the C-3 District, to the D-8 classification to provide for the construction of a single-family dwelling.

REZONING ORDINANCE NO. 138, 2005.

2005-ZON-123

4107 EAST WASHINGTON STREET (Approximate Address), INDIANAPOLIS CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 16.

SHEPHERD COMMUNITY, INC., by Steven Granner, requests a rezoning of 5.4 acres, being in the SU-34, D-5 and I-4-U Districts, to the SU-7 classification to provide for a community center and religious uses.

REZONING ORDINANCE NO. 139, 2005.

2005-ZON-127

718 SHELBY STREET (Approximate Address), INDIANAPOLIS CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 19.

SOUTHEAST NEIGHBORHOOD DEVELOPMENT requests a rezoning of 0.9 acre, being in the C-5 District, to the C-3C classification to provide for commercial and residential uses.

October 10, 2005

REZONING ORDINANCE NO. 140, 2005.

2005-ZON-128

1651 ENGLISH AVENUE (Approximate Address), INDIANAPOLIS

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 16.

SOUTHEAST NEIGHBORHOOD DEVELOPMENT requests a rezoning of 0.52 acre, being in the C-1 District, to the C-3C classification to provide for commercial and residential uses.

REZONING ORDINANCE NO. 141, 2005.

2005-ZON-129

1656 ENGLISH AVENUE (Approximate Address), INDIANAPOLIS

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 16.

SOUTHEAST NEIGHBORHOOD DEVELOPMENT requests a rezoning of 0.7 acre, being in the D-5 District, to the C-3C classification to provide for commercial and residential uses.

REZONING ORDINANCE NO. 142, 2005.

2005-ZON-130

1702 ENGLISH AVENUE (Approximate Address), INDIANAPOLIS

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 16.

SOUTHEAST NEIGHBORHOOD DEVELOPMENT requests a rezoning of 0.48 acre, being in the I-3-U District, to the C-3C classification to provide for commercial and residential uses.

REZONING ORDINANCE NO. 143, 2005.

2005-ZON-094

7800 AND 7822 SOUTH MERIDIAN STREET AND 111 WEST STOP 11 ROAD (Approximate Addresses), INDIANAPOLIS

PERRY TOWNSHIP, COUNCILMANIC DISTRICT # 23

INDIANA VENTURE VI, LLC, by Ray Good, requests a rezoning of 6.1 acres, being in the SU-1, D-4, and C-3 Districts, to the C-3 classification to provide for commercial uses.

REZONING ORDINANCE NO. 144, 2005.

2004-ZON-146

544 WEST 30TH STREET, 518 WEST 30TH STREET, 510-514 WEST 30TH STREET, 529-545 WEST 30TH STREET, 522-526 EUGENE STREET AND R.O. 144, 2005 534-538 EUGENE STREET (Approximate Addresses), INDIANAPOLIS

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 8

NORTHSIDE NEW ERA BAPTIST CHURCH requests a rezoning of 1.364 acres, being in the C-1, D-5, and D-8 Districts, to the SU-1 classification to provide for religious uses and a church parking lot.

SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 463, 2005. Councillor Nytes reported that the Economic Development Committee heard Proposal No. 463, 2005 on September 28, 2005. The proposal, sponsored by Councillors Mahern, Keller, Gray, Nytes and Pfisterer, approves an increase of \$800,000 in the 2005 Budget of the Department of Metropolitan Development, Community Economic Development Division (Consolidated County Fund), to implement various housing initiatives to benefit low income individuals and families and non profit developers of affordable housing. Aid will include financial assistance, grants, loans, loan guarantees, and technical assistance, financed by the Housing Trust Fund, which is a subfund of the Consolidated County Fund. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President Talley called for public testimony at 8:33 p.m. There being no one present to testify, Councillor Nytes moved, seconded by Councillor Sanders, for adoption. Proposal No. 463, 2005 was adopted on the following roll call vote; viz:

24 YEAS: Abdullallah, Bowes, Boyd, Bradford, Cain, Cockrum, Conley, Day, Gibson, Gray, Keller, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Sanders, Speedy, Talley

1 NAY: Schneider

3 NOT VOTING: Borst, Brown, Langsford

1 ABSENT: Franklin

Proposal No. 463, 2005 was retitled FISCAL ORDINANCE NO. 116, 2005, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 116, 2005

A FISCAL ORDINANCE amending the City-County Annual Budget for 2005 (City-County Fiscal Ordinance No. 132, 2004) appropriating an additional Eight Hundred Thousand Dollars (\$800,000) in the Consolidated County Fund for purposes of the Department of Metropolitan Development, Community Economic Development Division and reducing certain other appropriations for that agency.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section (i) of the City-County Annual Budget for 2005 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Metropolitan Development, Community Economic Development Division to implement various housing initiatives to benefit low income individuals and families and non profit developers of affordable housing. Aid will include financial assistance, grants, loans, loan guarantees, and technical assistance, financed by the Housing Trust Fund, which is a subfund of the Consolidated County Fund.

SECTION 2. The sum of Eight Hundred Thousand Dollars (\$800,000) be, and the same is hereby transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>DEPARTMENT OF METROPOLITAN DEVELOPMENT</u> <u>COMMUNITY ECONOMIC DEVELOPMENT DIVISION</u>	<u>CONSOLIDATED COUNTY FUND</u>
3. Other Services and Charges	<u>\$800,000</u>
TOTAL INCREASE	\$800,000

SECTION 4. The said increased appropriation is funded by the following reductions:

	<u>CONSOLIDATED COUNTY FUND</u>
Unappropriated and Unencumbered	
Consolidated County Fund	<u>800,000</u>
TOTAL REDUCTION	800,000

SECTION 5. The projected December 31, 2005, fund balance for the Consolidated County Fund is as follows:

Cash Balance as of end of Aug, 2005	31,644,891
Estimated remaining revenues to be received this year	<u>12,569,560</u>
Total Funds Available	44,214,451
2005 remaining CY and PY appropriations end of Aug 2005	26,128,356
Proposed additional appropriation (this proposal)	<u>800,000</u>
Total Requirements	26,928,356
Estimated Fund Balance December 31, 2005	17,286,095

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 464, 2005. Councillor Nytes reported that the Economic Development Committee heard Proposal No. 464, 2005 on September 28, 2005. The proposal, sponsored by

Councillors Mahern, Keller and Nytes, approves an increase of \$294,795 in the 2005 Budget of the Department of Metropolitan Development, Community Economic Development Division (Non-Lapsing Federal Grant and Non-Lapsing State Grant Funds) to fund environmental site assessments and brownfield inventory efforts in the Martindale-Brightwood, LaSalle Park and Fall Creek Place neighborhoods, funded by a grant from the US Environmental Protection Agency and for environmental assessments of the former Ertel Manufacturing plant. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President Talley called for public testimony at 8:35 p.m. There being no one present to testify, Councillor Nytes moved, seconded by Councillor Gibson, for adoption. Proposal No. 464, 2005 was adopted on the following roll call vote; viz:

26 YEAS: *Abduallah, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Conley, Day, Gibson, Gray, Keller, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Sanders, Schneider, Speedy, Talley*
0 NAYS:
2 NOT VOTING: *Borst, Langsford*
1 ABSENT: *Franklin*

Proposal No. 464, 2005 was retitled FISCAL ORDINANCE NO. 117, 2005, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 117, 2005

A FISCAL ORDINANCE amending the City-County Annual Budget for 2005 (City-County Fiscal Ordinance No. 132, 2004) appropriating an additional Two Hundred Ninety Four Thousand Seven Hundred Ninety Five Dollars (\$294,795) in the Non Lapsing Federal Grant and Non Lapsing State Grant Funds for purposes of the Department of Metropolitan Development, Community Economic Development Division and reducing certain other appropriations for that agency.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section (i) of the City-County Annual Budget for 2005 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Metropolitan Development, Community Economic Development Division to fund environmental site assessments and brownfield inventory efforts in the Martindale-Brightwood, LaSalle Park and Fall Creek Place neighborhoods, funded by a grant from the US Environmental Protection Agency and for environmental assessments of the former Ertel Manufacturing plant at 2045 Dr. Andrew J. Brown Avenue and the former Titan Industries plant at 2422 Yandes Street, financed by grants from the Indiana Finance Authority.

SECTION 2. The sum of Two Hundred Ninety Four Thousand Seven Hundred Ninety Five Dollars (\$294,795) be, and the same is hereby transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>DEPARTMENT OF METROPOLITAN DEVELOPMENT</u> <u>COMMUNITY ECONOMIC DEVELOPMENT DIVISION</u>	<u>NON-LAPSING</u> <u>FEDERAL GRANTS FUND</u>
2. Supplies and Materials	400
3. Other Services and Charges	196,325
4. Capital Outlay	3,275
TOTAL INCREASE	200,000
 <u>DEPARTMENT OF METROPOLITAN DEVELOPMENT</u> <u>COMMUNITY ECONOMIC DIVISION</u>	 <u>NON-LAPSING</u> <u>STATE GRANTS FUND</u>
3. Other Services and Charges	94,795
TOTAL INCREASE	94,795

SECTION 4. The said increased appropriation is funded by the following reductions:

	<u>NON-LAPSING FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
Non Lapsing Federal Grants Fund	<u>200,000</u>
TOTAL REDUCTION	200,000
	<u>NON-LAPSING STATE GRANTS FUND</u>
Unappropriated and Unencumbered	
Non Lapsing State Grants Fund	<u>94,795</u>
TOTAL REDUCTION	94,795

SECTION 5. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 465, 2005. Councillor Nytes reported that the Economic Development Committee heard Proposal No. 465, 2005 on September 28, 2005. The proposal, sponsored by Councillors Mahern and Pfisterer, approves an increase of \$534,000 in the 2005 Budget of the Department of Metropolitan Development , Community Economic Development Division (Redevelopment General Fund), to finance activities which support the life sciences incubator, funded by gross retail incremental taxes paid by businesses located within the area designated as the downtown Certified Technology Park, and by income tax incremental amounts paid by employees of those businesses. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor McWhirter asked what amount of money has been collected to date. Councillor Nytes said that it is difficult to say as there is a year's delay with documentation from the State. She said that they would not really know until after next year's tax returns.

President Talley called for public testimony at 8:38 p.m. There being no one present to testify, Councillor Nytes moved, seconded by Councillor Gibson, for adoption. Proposal No. 465, 2005 was adopted on the following roll call vote; viz:

26 YEAS: *Abduallah, Borst, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Conley, Day, Gibson, Gray, Keller, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Salisbury, Sanders, Schneider, Speedy, Talley*
0 NAYS:
2 NOT VOTING: *Langsford, Randolph*
1 ABSENT: *Franklin*

Proposal No. 465, 2005 was retitled FISCAL ORDINANCE NO. 118, 2005, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 118, 2005

A FISCAL ORDINANCE amending the City-County Annual Budget for 2005 (City-County Fiscal Ordinance No. 132, 2004) transferring and appropriating an additional Five Hundred and Thirty Four Thousand Dollars (\$534,000) in the Redevelopment General Fund for purposes of the Department of Metropolitan Development, Community Economic Development Division and reducing certain other appropriations for that agency.

October 10, 2005

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section (i) of the City-County Annual Budget for 2005 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Metropolitan Development, Community Economic Development Division to finance activities which support the life sciences incubator, funded by gross retail incremental taxes paid by businesses located within the area designated as the downtown Certified Technology Park, and by income tax incremental amounts paid by employees of those businesses.

SECTION 2. The sum of Five Hundred and Thirty Four Thousand Dollars (\$534,000) be, and the same is hereby transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>DEPARTMENT OF METROPOLITAN DEVELOPMENT</u> <u>COMMUNITY ECONOMIC DEVELOPMENT DIVISION</u>	<u>REDEVELOPMENT GENERAL FUND</u>
3. Other Services and Charges	<u>534,000</u>
TOTAL INCREASE	534,000

SECTION 4. The said increased appropriation is funded by the following reductions:

	<u>REDEVELOPMENT GENERAL FUND</u>
Unappropriated and Unencumbered	
Redevelopment General Fund	<u>534,000</u>
TOTAL REDUCTION	534,000

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 466, 2005. Councillor Nytes reported that the Economic Development Committee heard Proposal No. 466, 2005 on September 28, 2005. The proposal, sponsored by Councillors Mahern, Pfisterer and Nytes, approves an increase of \$1,548,000 in the 2005 Budget of the Department of Metropolitan Development, Community Economic Development Division (Federal Grant and Non-Lapsing Federal Grant Funds), to fund housing initiatives that will provide 18 rental units for low income families and 46 home ownership opportunities for low to moderate income households, funded by grants from the US Department of Housing and Urban Development. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Gray asked what neighborhood has been identified to receive these opportunities. Councillor Nytes said that the grant was awarded to Westside Development Corporation (WESCO) so it would be within their governing district.

President Talley called for public testimony at 8:41 p.m. There being no one present to testify, Councillor Nytes moved, seconded by Councillor Pfisterer, for adoption. Proposal No. 466, 2005 was adopted on the following roll call vote; viz:

25 YEAS: Abdullah, Borst, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Conley, Day, Gibson, Gray, Keller, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Salisbury, Sanders, Speedy, Talley
1 NAYS: Schneider
2 NOT VOTING: Langsford, Randolph
1 ABSENT: Franklin

Proposal No. 466, 2005 was retitled FISCAL ORDINANCE NO. 119, 2005, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 119, 2005

A FISCAL ORDINANCE amending the City-County Annual Budget for 2005 (City-County Fiscal Ordinance No. 132, 2004) appropriating an additional One Million Five Hundred and Forty Eight Thousand Dollars (\$1,548,000) in the Federal Grant and Non Lapsing Federal Grant Funds for purposes of the Department of Metropolitan Development, Community Economic Development Division and reducing certain other appropriations for that agency.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section (i) of the City-County Annual Budget for 2005 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Metropolitan Development, Community Economic Development Division to fund housing initiatives that will provide 18 rental units for low income families, and 46 home ownership opportunities for low to moderate income households, funded by grants from the US Department of Housing and Urban Development.

SECTION 2. The sum of One Million Five Hundred and Forty Eight Thousand Dollars (\$1,548,000) be, and the same is hereby transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>DEPARTMENT OF METROPOLITAN DEVELOPMENT</u> <u>COMMUNITY ECONOMIC DEVELOPMENT DIVISION</u>	<u>FEDERAL GRANTS FUND</u>
3. Other Services and Charges	<u>1,300,000</u>
TOTAL INCREASE	1,300,000

<u>DEPARTMENT OF METROPOLITAN DEVELOPMENT</u> <u>COMMUNITY ECONOMIC DEVELOPMENT DIV</u>	<u>NON-LAPSING FEDERAL GRANTS FUND</u>
3. Other Services and Charges	<u>248,000</u>
TOTAL INCREASE	248,000

SECTION 4. The said increased appropriation is funded by the following reductions:

	<u>FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
Federal Grants Fund	<u>1,300,000</u>
TOTAL REDUCTION	1,300,000

	<u>NON-LAPSING FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
Non Lapsing Federal Grants Fund	<u>248,000</u>
TOTAL REDUCTION	248,000

SECTION 5. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Councillor Moriarty Adams reported that the Public Safety and Criminal Justice Committee heard Proposal Nos. 472 and 474-485, 2005 on September 28 and October 5, 2005. She asked for consent to hear these proposals together. Consent was given.

PROPOSAL NO. 472, 2005. The proposal, sponsored by Councillors Moriarty Adams and McWhirter, approves an increase of \$1,118,286 in the 2005 Budget of the Department of Public Safety, Police Division (Non-Lapsing Federal Grants Fund), for programs for victims of domestic

abuse and sexual assault; overtime and equipment for the Super Achilles (violent offenders) task force; and programs dealing with the problem of human trafficking, sponsored by the Law Enforcement and Service Provider Multi-disciplinary Anti-Trafficking Task Force, financed by grants from the Indiana Criminal Justice Institute, the Indiana Coalition Against Sexual Assault and the U.S. Department of Justice. PROPOSAL NO. 474, 2005. The proposal, sponsored by Councillors Moriarty Adams and Talley, approves an increase of \$84,032 in the 2005 Budget of the Marion County Sheriff's Department (State and Federal Grants Fund) to pay salary and fringe expenses for the Victim Assistance staff, funded by a grant from the Indiana Criminal Justice Institute. PROPOSAL NO. 475, 2005. The proposal, sponsored by Councillors Moriarty Adams and Talley, approves an increase of \$39,635 in the 2005 Budget of the Marion County Sheriff's Department (State and Federal Grants Fund) to pay additional overtime expenses for FBI Safe Streets Task Force, funded by a grant from the Federal Bureau of Investigation. PROPOSAL NO. 476, 2005. The proposal, sponsored by Councillor Moriarty Adams, approves an increase of \$200,000 in the 2005 Budget of the Marion County Community Corrections (Conditional Release Fund) to pay for SCRAM (Secure Continuous Remote Alcohol Monitoring) equipment used for pre-trial home detention, financed by fund balance. PROPOSAL NO. 477, 2005. The proposal, sponsored by Councillor Moriarty Adams, approves an increase of \$27,000 in the 2005 Budget of Marion County Community Corrections (Home Detention User Fee Fund) for contractual services, funded by fund balance. PROPOSAL NO. 478, 2005. The proposal, sponsored by Councillor Moriarty Adams, approves an increase of \$402,909 in the 2005 Budget of Marion County Community Corrections (State and Federal Grants Fund) to appropriate carryover 2004/2005 State funds; \$50,000 for faith-based program, \$10,567 for housing and treatment costs for the Re-entry court, and \$342,342 for the new work release center; funded by carryover grant funds from the Department of Corrections. PROPOSAL NO. 479, 2005. The proposal, sponsored by Councillor Moriarty Adams, approves an increase of \$44,500 in the 2005 Budget of the Marion County Justice Agency (Law Enforcement Fund) to pay for fuel costs of the Metro Drug Task Force and for personnel costs of Forensic and Forfeiture, funded by fund balance. PROPOSAL NO. 480, 2005. The proposal, sponsored by Councillor Moriarty Adams, approves a transfer of \$22,800 and appropriates \$152,500 in the 2005 Budget of the Marion County Justice Agency (Federal Equitable Share Fund) for purposes of purchasing 10 vans with safety equipment to transport prisoners, funded by a transfer of \$22,800 and an additional appropriation of \$152,500 from fund balance. PROPOSAL NO. 481, 2005. The proposal, sponsored by Councillors Moriarty Adams and Borst, approves an increase of \$175,000 in the 2005 Budget of the Marion Superior Court (Probation User Fee Fund) to provide funds to replace the current case management system, funded from fund balance. PROPOSAL NO. 482, 2005. The proposal, sponsored by Councillors Borst and Moriarty Adams, approves an increase of \$54,431 in the 2005 Budget of the Marion Superior Court (State and Federal Grants Fund) to provide pass through funds to Kid's Voice for the supervised visitation program and the Court Appointed Special Advocates (CASA) program, funded by grants from the Indiana Criminal Justice Institute. PROPOSAL NO. 483, 2005. The proposal, sponsored by Councillors Borst and Moriarty Adams, approves an increase of \$30,000 in the 2005 Budget of the Marion Superior Court (Drug Lab Fund) to provide for expenses related to the operation of the Drug Lab, funded by fund balance. PROPOSAL NO. 484, 2005. The proposal, sponsored by Councillor Borst, approves an increase of \$12,407 in the 2005 Budget of the Marion Superior Court (Guardian Ad Litem Fund) to increase appropriation to allow for full amount of State Grant to pass through to Child Advocates. PROPOSAL NO. 485, 2005. The proposal, sponsored by Councillor Borst, approves an increase of \$13,066 in the 2005 Budget of the Marion Superior Court (State and Federal Grants Fund) to appropriate Block Grant #9 funds to support Adult Drug Treatment Court, funded by a grant from the Department of Justice/IPD. The Committee reported the proposals to the Council with the recommendation that they do pass.

Councillor Cockrum said that there is a lot of money being added to various programs, yet there is talk of laying off police officers. He said that there needs to be a balance or there will be no staff to maintain these public safety programs.

Councillor Mansfield asked why it was testified that the faith-based program referred to in Proposal No. 478, 2005 was geared toward African American males and not open to all races. Councillor Mansfield said that it is targeted to help African American males but believes it would be open to all minorities. Councillor Abdullallah stated as a member of that board that it is their intent to include all and not discriminate. Councillor Gibson said that it was designed to help African American males, as there is a great need for this among that demographic.

President Talley called for public testimony at 9:03 p.m.

Robert Yahara, citizen said that he supports Proposal Nos. 478 and 484, 2005.

There being no further testimony, Councillor Moriarty Adams moved, seconded by Councillor Oliver, for adoption. Proposal Nos. 472 and 474-485, 2005 were adopted on the following roll call vote; viz:

28 YEAS: Abdullallah, Borst, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Conley, Day, Gibson, Gray, Keller, Langsford, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Sanders, Schneider, Speedy, Talley
0 NAYS:
1 ABSENT: Franklin

Proposal No. 472, 2005 was retitled FISCAL ORDINANCE NO. 120, 2005, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 120, 2005

A FISCAL ORDINANCE amending the City-County Annual Budget for 2005 (City-County Fiscal Ordinance No. 132, 2004) appropriating an additional One Million One Hundred Eighteen Thousand One Hundred Eighty Six Dollars (\$1,118,286) in the Non-Lapsing Federal Grants Funds for purposes of the Department of Public Safety, Police Division, and reducing the unappropriated and unencumbered balance in the Non-Lapsing Federal Grants Funds.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(k) of the City-County Annual Budget for 2005 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Public Safety, Police Division for programs for victims of domestic abuse and sexual assault; overtime and equipment for the Super Achilles (violent offenders) task force; and programs dealing with the problem of human trafficking sponsored by the Law Enforcement and Service Provider Multidisciplinary Anti-Trafficking Task Force, financed by grants from the Indiana Criminal Justice Institute, the Indiana Coalition Against Sexual Assault and the U.S. Department of Justice.

SECTION 2. The sum of One Million One Hundred Eighteen Thousand One Hundred Eighty Six Dollars (\$1,118,286) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

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SECTION 3. The following additional appropriation is hereby approved:

DEPARTMENT OF PUBLIC SAFETY

POLICE DIVISION

NON-LAPSING FEDERAL GRANTS

1. Personal Services	144,000
2. Supplies and Materials	12,064
3. Other Services and Charges	940,222
4. Capital Outlay	<u>22,000</u>
TOTAL INCREASE	1,118,286

SECTION 4. The said additional appropriation is funded by the following reductions:

NON-LAPSING FEDERAL GRANTS

Unappropriated and Unencumbered

Non-Lapsing Federal Grants Fund

1,118,286

TOTAL REDUCTION

1,118,286

SECTION 5. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 6. This non-lapsing appropriation shall be in addition to all appropriations provided for in the regular budget and levy, and shall continue in effect until the completion of the program described in section 1 above.

SECTION 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 474, 2005 was retitled FISCAL ORDINANCE NO. 121, 2005, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 121, 2005

A FISCAL ORDINANCE amending the City-County Annual Budget for 2005 (City-County Fiscal Ordinance No. 138, 2004) appropriating an additional Eighty-four Thousand Thirty-two Dollars (\$84,032) in the State and Federal Grants Fund for purposes of the Marion County Sheriff's Department and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (b) of the City-County Annual Budget for 2005 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Sheriff's Department to pay a portion of salary and fringe expenses for Victim Assistance staff.

SECTION 2. The sum of an additional Eighty-four Thousand Thirty-two Dollars (\$84,032) be, and the same is hereby, appropriated the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

MARION COUNTY SHERIFF'S DEPARTMENT

STATE AND FEDERAL GRANTS FUND

1. Personal Services	62,515
1. Personal Services-fringes	<u>21,517</u>
TOTAL INCREASE	84,032

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	<u>84,032</u>
TOTAL REDUCTION	84,032

SECTION 5. Local match of \$ 21,008.00 comes from County General funds that were appropriated in the budget.

SECTION 6. Except to the extent of matching funds approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 475, 2005 was retitled FISCAL ORDINANCE NO. 122, 2005, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 122, 2005

A FISCAL ORDINANCE amending the City-County Annual Budget for 2005 (City-County Fiscal Ordinance No. 138, 2004) appropriating an additional Thirty-nine Thousand Six Hundred Thirty-five Dollars (\$39,635) in the State and Federal Grants Fund for purposes of the Marion County Sheriff's Department and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (b) of the City-County Annual Budget for 2005 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Sheriff's Department to pay additional overtime costs for the FBI Safe Streets Task Force.

SECTION 2. The sum of an additional Thirty-nine Thousand Six Hundred Thirty-five Dollars (\$39,635) be, and the same is hereby, appropriated the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION COUNTY SHERIFF'S DEPARTMENT</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services	<u>39,635</u>
TOTAL INCREASE	39,635

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	<u>39,635</u>
TOTAL REDUCTION	39,635

SECTION 5. No Local Match

SECTION 6. Except to the extent of matching funds approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

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Proposal No. 476, 2005 was retitled FISCAL ORDINANCE NO. 123, 2005, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 123, 2005

A FISCAL ORDINANCE amending the City-County Annual Budget for 2005 (City-County Fiscal Ordinance No. 138, 2004) appropriating an additional Two Hundred Thousand Dollars (\$200,000) in the Conditional Release Fund for purposes of Marion County Community Corrections and reducing the balance in the Marion County Conditional Release Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (C) of the City-County Annual Budget for 2005 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of Marion County Community Corrections to pay for SCRAM equipment (Secure Continuous Remote Alcohol Monitoring) used for pre-trial home detention, financed by fund balance.

SECTION 2. The sum of Two Hundred Thousand Dollars (\$200,000) be, and the same is hereby, appropriated the purposes as shown in Section 3 by reducing the balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>COMMUNITY CORRECTIONS AGENCY</u>	<u>CONDITIONAL RELEASE FUND</u>
3. Other Services and Charges	<u>200,000</u>
TOTAL INCREASE	200,000

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>CONDITIONAL RELEASE FUND</u>
Unappropriated and Unencumbered	
Conditional Release Fund	<u>200,000</u>
TOTAL REDUCTION	200,000

SECTION 5. The projected December 31, 2005 fund balance for the Marion County Conditional Release Fund is as follows:

Current cash balance 08-31-05	511,423
Anticipated additional revenue through December 31, 2005	<u>858,450</u>
Projected funds available	1,367,873
Remaining appropriations and encumbrances	170,671
Proposed additional appropriation	<u>200,000</u>
Funds required	370,671
Projected fund balance December 31, 2005	999,202

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 477, 2005 was retitled FISCAL ORDINANCE NO. 124, 2005, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 124, 2005

A FISCAL ORDINANCE amending the City-County Annual Budget for 2005 (City-County Fiscal Ordinance No. 138, 2004) appropriating an additional Twenty-seven Thousand Dollars (\$27,000) in the Home Detention User Fee Fund for purposes of Community Corrections and reducing the balance in the Home Detention User Fee Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (C) of the City-County Annual Budget for 2005 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of Community Corrections to fund contractual services for correctional offender assessment management profiling for alternative sanctions assessment tool.

SECTION 2. The sum of Twenty-seven Thousand Dollars (\$27,000) be, and the same is hereby, appropriated the purposes as shown in Section 3 by reducing the balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>COMMUNITY CORRECTIONS AGENCY</u>	<u>HOME DETENTION USER FEE FUND</u>
3. Other Services and Charges	<u>27,000</u>
TOTAL INCREASE	27,000

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>HOME DETENTION USER FEE FUND</u>
Unappropriated and Unencumbered	
Home Detention User Fee Fund	<u>27,000</u>
TOTAL REDUCTION	27,000

SECTION 5. The projected June 30,2006 fund balance for the Marion County Community Correction, Home Detention User Fee Fund is as follows:

Current cash balance 07-31-05	2,091,934
Anticipated additional revenue through June 30,2006	<u>2,297,669</u>
Projected funds available	4,389,603
Remaining appropriations and encumbrances (includes \$1,343,091.00 appropriation posted 8/05)	1,504,480
Proposed additional appropriation	<u>27,000</u>
Funds required	1,531,480
Projected fund balance June 30,2006	2,858,123

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 478, 2005 was retitled FISCAL ORDINANCE NO. 125, 2005, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 125, 2005

A FISCAL ORDINANCE amending the City-County Annual Budget for 2005(City-County Fiscal Ordinance No. 138, 2004) appropriating an additional Four Hundred Two Thousand Nine Hundred Nine Dollars (\$402,909) in the State and Federal Grants Fund for purposes of Marion County Community Corrections and reducing the balance in the State and Federal Grants Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (C) of the City-County Annual Budget for 2005 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of Marion County Community Corrections to appropriate carry over funds from 2004/2005 grant. \$50,000.00 to be used for Faith-Based Program to serve African-American males while on home detention, \$10,567.00 to be used for housing and treatment costs for the Re-entry court, \$ 342,342.00 to help fund the cost of the new work release center.

SECTION 2. The sum of Four Hundred Two Thousand Nine Hundred Nine Dollars (\$402,909) be, and the same is hereby, appropriated the purposes as shown in Section 3 by reducing the balances as shown in Section 4.

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SECTION 3. The following additional appropriation is hereby approved:

<u>COMMUNITY CORRECTIONS AGENCY</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
2. Supplies	235,314
3. Other Services and Charges	127,567
4. Capital Outlay	<u>40,028</u>
TOTAL INCREASE	402,909

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	<u>402,909</u>
TOTAL REDUCTION	402,909

SECTION 5. Except to the extent of matching funds approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 479, 2005 was retitled FISCAL ORDINANCE NO. 126, 2005, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 126, 2005

A FISCAL ORDINANCE amending the City-County Annual Budget for 2005 (City-County Fiscal Ordinance No. 138, 2004) appropriating an additional Forty-four Thousand Five Hundred Dollars (\$44,500) in the Law Enforcement Fund for purposes of the Marion County Justice Agency and reducing the unappropriated and unencumbered balance in the Law Enforcement Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section (d) of the City-County Annual Budget for 2005 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of increasing fuel monies for Metro Drug Task Force Fleet in the amount of \$ 15,000, and to increase salary and fringe cost for Forfeiture and Forensic Employees that are being paid by the Marion County Sheriff.

SECTION 2. The sum of additional Forty-four Thousand Five Hundred Dollars (\$44,500) be, and the same is hereby, appropriated the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION COUNTY JUSTICE AGENCY</u>	<u>LAW ENFORCEMENT FUND</u>
1. Personnel	25,000
1. Personnel – Fringes	4,500
2. Supplies	<u>15,000</u>
TOTAL INCREASE	44,500

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>LAW ENFORCEMENT FUND</u>
Unappropriated and Unencumbered	
Law Enforcement Fund	<u>44,500</u>
TOTAL REDUCTION	44,500

SECTION 5. The projected December 31, 2005, fund balance for the Law Enforcement Fund is as follows:

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Current cash balance 07-31-05	1,398,819
Anticipated additional revenue through December 31, 2005	<u>146,994</u>
Projected funds available	1,545,813
Remaining appropriations and encumbrances	563,332
Proposed additional appropriation	<u>44,500</u>
Funds required	607,832
Projected fund balance December 31, 2005	937,981

SECTION 6 This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 480, 2005 was retitled FISCAL ORDINANCE NO. 127, 2005, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 127, 2005

A FISCAL ORDINANCE amending the City-County Annual Budget for 2005 (City-County Fiscal Ordinance No. 138, 2004) transferring Twenty-two Thousand Eight Hundred Dollars (\$22,800) and appropriating an additional One Hundred Fifty Two Thousand Five Hundred Dollars (\$152,500) in the Federal Equitable Share Fund for the purposes of the Marion County Justice Agency and reducing certain other appropriations from that agency.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1. (d) Of the City-County Annual Budget for 2005 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Justice Agency to transfer between characters Twenty-two Thousand Eight Hundred Dollars (\$22,800) and to appropriate One Hundred Fifty Two Thousand Five Hundred Dollars (\$152,500) to purchase ten (10) vans with safety equipment to transport prisoners.

SECTION 2. The sum of One Hundred Seventy-five Thousand Three Hundred Dollars (\$175,300) be, and the same is hereby, transferred and appropriated for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>MARION COUNTY JUSTICE AGENCY</u>	<u>FEDERAL EQUITABLE SHARE FUND</u>
4. Capital Outlay	<u>175,300</u>
TOTAL INCREASE	175,300

SECTION 4. The said increased appropriation is funded by the following reductions:

<u>MARION COUNTY JUSTICE AGENCY</u>	<u>FEDERAL EQUITABLE SHARE FUND</u>
2. Supplies	6,200
3. Other Services & Charges	<u>16,600</u>
	22,800
Unappropriated and Unencumbered	
Federal Equitable Share Fund	<u>152,500</u>
TOTAL DECREASE	152,500

SECTION 5. The projected December 31, 2005, fund balance for the Law Enforcement Equitable Share Fund is as follows:

Current cash balance 9/30/05	538,443
Anticipated additional revenue through December 31, 2005	<u>11,214</u>
Projected funds available	549,657

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Remaining appropriations and encumbrances	254,879
Proposed additional appropriation	<u>152,500</u>
Funds required	407,379
 Projected fund balance December 31, 2005	 120,186

SECTION 6 This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 481, 2005 was retitled FISCAL ORDINANCE NO. 128, 2005, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 128, 2005

A FISCAL ORDINANCE amending the City-County Annual Budget for 2005 (City-County Fiscal Ordinance No. 139, 2004) appropriating an additional One Hundred Seventy-five Thousand Dollars (\$175,000) in the Probation User Fee Fund of the Marion County Superior Court and reducing the unappropriated and unencumbered balance in the Probation User Fee Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (f) of the City-County Annual Budget for 2005 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion Superior Court to provide funds for project to replace current case management system.

SECTION 2. The sum of an additional One Hundred Seventy-five Thousand Dollars (\$175,000) be, and the same is hereby, appropriated the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION SUPERIOR COURT</u>	<u>PROBATION USER FEE FUND</u>
3. Other Service and Charges	<u>175,000</u>
TOTAL INCREASE	175,000

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>PROBATION USER FEE FUND</u>
Unappropriated and Unencumbered	
Probation User Fee Fund	<u>175,000</u>
TOTAL REDUCTION	175,000

SECTION 5. The projected December 31, 2005, fund balance for the Adult Probation Fund is as follows:

Current cash balance 07/31/05	1,445,420
Anticipated additional revenue through December 31, 2005	<u>997,466</u>
Projected funds available	2,442,886
 Remaining appropriations and encumbrances	 1,419,314
Proposed additional appropriation	<u>175,000</u>
Funds required	1,594,314
 Projected fund balance December 31, 2005	 848,572

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 482, 2005 was retitled FISCAL ORDINANCE NO. 129, 2005, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 129, 2005

A FISCAL ORDINANCE amending the City-County Annual Budget for 2005 (City-County Fiscal Ordinance No. 139, 2004) appropriating an additional Fifty-four Thousand Four Hundred Thirty-one Dollars (\$54,431) in the State and Federal Grant Fund for purposes of the Marion County Superior Court and reducing the unappropriated and unencumbered balance in the State & Federal Grant Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (f) of the City-County Annual Budget for 2005 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion Superior Court to provide pass through grant funds to Kid's Voice for the Supervised Visitation Program in the amount of \$ 24,152 and \$30,279 for the Court Appointed Special Advocates (CASA) program for children that are victims of child abuse and domestic violence.

SECTION 2. The sum of an additional Fifty-four Thousand Four Hundred Thirty-one Dollars (\$54,431) be, and the same is hereby, appropriated the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION SUPERIOR COURT</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
3. Other Service and Charges	<u>54,431</u>
TOTAL INCREASE	54,431

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	<u>54,431</u>
TOTAL REDUCTION	54,431

SECTION 5. Local match of \$ 13,608. to be paid by Kid's Voice

SECTION 6. Except to the extent of matching funds approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 483, 2005 was retitled FISCAL ORDINANCE NO. 130, 2005, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 130, 2005

A FISCAL ORDINANCE amending the City-County Annual Budget for 2005 (City-County Fiscal Ordinance No. 139, 2004) appropriating an additional Thirty Thousand Dollars (\$30,000) in the Drug Lab Fund of the Marion County Superior Court and reducing the unappropriated and unencumbered balance in the Drug Lab Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (f) of the City-County Annual Budget for 2005 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion Superior Court to provide funds to pay expenses related to the operation of the drug lab.

October 10, 2005

SECTION 2. The sum of an additional Thirty Thousand Dollars (\$30,000) be, and the same is hereby, appropriated the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION SUPERIOR COURT</u>	<u>DRUG LAB FUND</u>
1. Personal Services	10,000
1. Personal Services - Fringes	1,500
3. Other Service and Charges	<u>18,500</u>
TOTAL INCREASE	30,000

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>DRUG LAB FUND</u>
Unappropriated and Unencumbered	
Drug Lab Fund	<u>30,000</u>
TOTAL REDUCTION	30,000

SECTION 5. The projected December 31, 2005, fund balance for the Drug Testing Laboratory Fund is as follows:

Current cash balance 7/31/05	214,520
Anticipated additional revenue through December 31, 2005	<u>201,177</u>
Projected funds available	415,697
Remaining appropriations and encumbrances	157,349
Proposed additional appropriation	<u>30,000</u>
Funds required	187,349
Projected fund balance December 31, 2005	228,348

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 484, 2005 was retitled FISCAL ORDINANCE NO. 131, 2005, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 131, 2005

A FISCAL ORDINANCE amending the City-County Annual Budget for 2005 (City-County Fiscal Ordinance No. 139, 2004) appropriating an additional Twelve Thousand Four Hundred Seven Dollars (\$12,407) in the Guardian Ad Litem Fund for purposes of the Marion County Superior Court and reducing the unappropriated and unencumbered balance in the Guardian Ad Litem Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (f) of the City-County Annual Budget for 2005 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion Superior Court to increase appropriation to allow for full amount of State Grant to pass through to Child Advocates.

SECTION 2. The sum of an additional Twelve Thousand Four Hundred Seven Dollars (\$12,407) be, and the same is hereby, appropriated the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION SUPERIOR COURT</u>	<u>GUARDIAN AD LITEM FUND</u>
3. Other Services and Charges	<u>12,407</u>
TOTAL INCREASE	12,407

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>GUARDIAN AD LITEM FUND</u>
Unappropriated and Unencumbered	
Guardian Ad Litem Fund	<u>12,407</u>
TOTAL REDUCTION	12,407

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 485, 2005 was retitled FISCAL ORDINANCE NO. 132, 2005, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 132, 2005

A FISCAL ORDINANCE amending the City-County Annual Budget for 2005 (City-County Fiscal Ordinance No. 139, 2004) appropriating an additional Thirteen Thousand Sixty Six Dollars (\$13,066) in the State and Federal Grant Fund for purposes of the Marion County Superior Court and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (f) of the City-County Annual Budget for 2005 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion Superior Court to appropriate Block Grant # 9 to pay for supplies and services in Adult Drug Treatment Court.

SECTION 2. The sum of an additional Thirteen Thousand Sixty Six Dollars (\$13,066) be, and the same is hereby, appropriated the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION SUPERIOR COURT</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
2. Supplies	2,066
3. Other Services & Charges	<u>11,000</u>
TOTAL INCREASE	13,066

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	<u>13,066</u>
TOTAL REDUCTION	13,066

SECTION 5. No local match

SECTION 6. Except to the extent of matching funds approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 500, 2005. The proposal, sponsored by Councillor Mahern, is a rezoning ordinance for Center Township, Councilmanic District 16, 3901 Southeastern Avenue (2005-ZON-010). On September 19, 2005, Councillor Keller called Proposal No. 500, 2005 out for a public hearing.

Councillor Keller made the following motion:

Mr. President:

I am pleased to report that there are no issues to resolve in the rezoning at 3901 Southeastern Avenue and it will not be necessary to have a hearing on this matter; therefore, I move that Proposal No. 500, 2005 (Rezoning Petition No. 2005-ZON-010) be adopted.

Councillor Mahern seconded the motion. Proposal No. 500, 2005 was adopted on the following roll call vote; viz:

27 YEAS: Abdullah, Borst, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Conley, Day, Gibson, Keller, Langsford, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Sanders, Schneider, Speedy, Talley

0 NAYS:

1 NOT VOTING: Gray

1 ABSENT: Franklin

Proposal No. 500, 2005 was retitled REZONING ORDINANCE NO. 145, 2005, and is identified as follows:

2005-ZON-010

3901 SOUTHEASTERN AVENUE (Approximate Address), INDIANAPOLIS
CENTER TOWNSHIP, COUNCILMANIC DISTRICT #16.

JERRY STEELE, by Michael J. Kias, requests a rezoning of 0.52 acre, being in the D-5 District, to the C-3 classification to provide for commercial uses.

SPECIAL ORDERS - UNFINISHED BUSINESS

PROPOSAL NO. 434, 2005. Councillor Mahern reported that the Metropolitan Development Committee heard Proposal No. 434, 2005 on August 22, 2005. The proposal failed due to an indecisive vote at Council on August 29, 2005. The proposal, sponsored by Councillor Mahern, is an inducement resolution for Camby Woods, L.P. in an amount not to exceed \$14,000,000 which consists of the construction of a 220-unit apartment complex to be known as Camby Woods Apartments located at 7700 Camby Road (District 22). Councillor Mahern said that the developer has sought another funding mechanism, and he moved, seconded by Councillor Cockrum, to strike Proposal No. 434, 2005. Councillor Speedy stated that he will need to abstain to avoid the appearance of a conflict of interest. Proposal No. 434, 2005 was stricken on the following roll call vote; viz:

27 YEAS: Abdullah, Borst, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Conley, Day, Gibson, Gray, Keller, Langsford, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Sanders, Schneider, Talley

0 NAYS:

1 NOT VOTING: Speedy

1 ABSENT: Franklin

SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 468, 2005. Councillor Boyd reported that the Rules and Public Policy Committee heard Proposal No. 468, 2005 on September 20, 2005. The proposal, sponsored by Councillors Gibson and Pfisterer, approves the Mayor's establishment of a charter school by issuing a charter to Herron High School, Inc. By a 4-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Keller said that he taught at

Herron fifteen years and it is a great use of the building and will be good for the neighborhood. Councillor Abdullah agreed that this will be a great way to revitalize the neighborhood. Councillor Boyd moved, seconded by Councillor Gibson, for adoption. Proposal No. 468, 2005 was adopted on the following roll call vote; viz:

26 YEAS: Abdullah, Borst, Bowes, Boyd, Bradford, Cain, Cockrum, Conley, Day, Gibson, Gray, Keller, Langsford, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Schneider, Speedy, Talley
1 NAY: Sanders
1 NOT VOTING: Brown
1 ABSENT: Franklin

Proposal No. 468, 2005 was retitled COUNCIL RESOLUTION NO. 76, 2005, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 76, 2005

A PROPOSAL FOR A COUNCIL RESOLUTION approving the Mayor's establishment of a charter school, "Herron High School" by issuing a charter to Herron High School, Inc.

WHEREAS, the Mayor is authorized by IC 20-5.5 to issue charters for chartered schools within the Consolidated City; and

WHEREAS, IC 20-5.5-3-4 requires that a majority of the members of the City-County Council approve the establishment of charter schools prior to the Mayor issuing a charter; and

WHEREAS, the Mayor has announced his intention to issue a charter to Herron High School, Inc. for a charter school named "Herron High School"; now, therefore:

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. A majority of the members of the City-County Council hereby authorizes the Mayor to establish a charter school, "Herron High School" by issuing a charter to Herron High School, Inc.

SECTION 2. This resolution shall be in full force and effect from and after adoption.

PROPOSAL NO. 469, 2005. Councillor Boyd reported that the Rules and Public Policy Committee heard Proposal No. 469, 2005 on September 20, 2005. The proposal, sponsored by Councillors Gibson and Pfisterer, approves the Mayor's establishment of a charter school by issuing a charter to The Recovery High School at Fairbanks, Inc. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Mansfield commended the Charter School Association for supporting a plan that meets a special need in the community that is not being met. She said that she would like to see more charters addressing special needs.

Councillor Cain said that this project will be in her district, and it is an exciting concept, and she supports it.

Councillor Gibson thanked Helene Cross for her leadership and said that this school will help to restore many families.

Councillor Pfisterer said that she is particularly excited about this charger and is the cutting edge in an initiative desperately needed. Councillor Randolph agreed and said that it is very much needed, and Fairbanks is a great organization.

Councillor Boyd moved, seconded by Councillor Gibson, for adoption. Proposal No. 469, 2005 was adopted on the following roll call vote; viz:

27 YEAS: *Abduallah, Borst, Bowes, Boyd, Bradford, Cain, Cockrum, Conley, Day, Gibson, Gray, Keller, Langsford, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Sanders, Schneider, Speedy, Talley*
0 NAYS:
1 NOT VOTING: *Brown*
1 ABSENT: *Franklin*

Councillor Sanders asked for consent to explain her vote. Consent was given. Councillor Sanders stated that as most people know she usually does not support charter schools, but feels this school will address a particular need in a unique setting, and therefore, she supported it.

Proposal No. 469, 2005 was retitled COUNCIL RESOLUTION NO. 77, 2005, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 77, 2005

A PROPOSAL FOR A COUNCIL RESOLUTION approving the Mayor's establishment of a charter school, "The Recovery High School at Fairbanks" by issuing a charter to The Recovery High School at Fairbanks, Inc.

WHEREAS, the Mayor is authorized by IC 20-5.5 to issue charters for chartered schools within the Consolidated City; and

WHEREAS, IC 20-5.5-3-4 requires that a majority of the members of the City-County Council approve the establishment of charter schools prior to the Mayor issuing a charter; and

WHEREAS, the Mayor has announced his intention to issue a charter to The Recovery High School at Fairbanks, Inc. for a charter school named "The Recovery High School at Fairbanks"; now, therefore:

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. A majority of the members of the City-County Council hereby authorizes the Mayor to establish a charter school, "The Recovery High School at Fairbanks" by issuing a charter to The Recovery High School at Fairbanks, Inc.

SECTION 2. This resolution shall be in full force and effect from and after adoption.

PROPOSAL NO. 470, 2005. Councillor Boyd reported that the Rules and Public Policy Committee heard Proposal No. 470, 2005 on September 20, 2005. The proposal, sponsored by Councillors Gibson and Pfisterer, approves the Mayor's establishment of a charter school by issuing a charter to Challenge Foundation Academy, Inc. By a 4-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Boyd said that he has some reservations, not about these schools in particular, but about the philosophical idea behind charter schools and the fiscal impact these may have on Indianapolis Public Schools and the physical concentration of many of these schools within the IPS district.

Councillor Mansfield said that she voted to support these charters, but has the same concerns about these schools pulling funding from IPS.

Councillor Boyd moved, seconded by Councillor Gibson, for adoption. Proposal No. 470, 2005 was adopted on the following roll call vote; viz:

26 YEAS: Abdullallah, Borst, Bowes, Boyd, Bradford, Cain, Cockrum, Conley, Day, Gibson, Gray, Keller, Langsford, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Schneider, Speedy, Talley

1 NAY: Sanders

1 NOT VOTING: Brown

1 ABSENT: Franklin

Proposal No. 470, 2005 was retitled COUNCIL RESOLUTION NO. 78, 2005, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 78, 2005

A PROPOSAL FOR A COUNCIL RESOLUTION approving the Mayor's establishment of a charter school, "Challenge Foundation Academy" by issuing a charter to Challenge Foundation Academy, Inc.

WHEREAS, the Mayor is authorized by IC 20-5.5 to issue charters for chartered schools within the Consolidated City; and

WHEREAS, IC 20-5.5-3-4 requires that a majority of the members of the City-County Council approve the establishment of charter schools prior to the Mayor issuing a charter; and

WHEREAS, the Mayor has announced his intention to issue a charter to Challenge Foundation Academy, Inc. for a charter school named "Challenge Foundation Academy"; now, therefore:

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. A majority of the members of the City-County Council hereby authorizes the Mayor to establish a charter school, "Challenge Foundation Academy" by issuing a charter to Challenge Foundation Academy, Inc.

SECTION 2. This resolution shall be in full force and effect from and after adoption.

PROPOSAL NO. 473, 2005. Councillor Moriarty Adams reported that the Public Safety and Criminal Justice Committee heard Proposal No. 473, 2005 on September 28, 2005. The proposal, sponsored by Councillors Moriarty Adams and Keller, amends the Code to allow for the registration, caretaking, vaccination and feeding of free-roaming cats through a managed program known as trap-neuter-return. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Borst said that while the program may be a good one, he does not feel it is something the City should put their stamp on. By doing so, the City becomes ripe for legal problems. He said that it is a good program, but should not legally have the City's endorsement.

Councillor Moriarty Adams moved, seconded by Councillor Keller, for adoption. Proposal No. 473, 2005 was adopted on the following roll call vote; viz:

26 YEAS: Abdullallah, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Conley, Day, Gray, Keller, Langsford, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Sanders, Schneider, Speedy, Talley

1 NAYS: Borst

1 NOT VOTING: Gibson

1 ABSENT: Franklin

Proposal No. 473, 2005 was retitled GENERAL ORDINANCE NO. 100, 2005, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 100, 2005

PROPOSAL FOR A GENERAL ORDINANCE to amend the Revised Code to allow for the registration, caretaking, vaccination and feeding of free-roaming cats through a managed program known as trap-neuter-return.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Section 531-101 of the "Revised Code of the Consolidated City and County," regarding definitions, hereby is amended by the addition of the language that is underscored, to read as follows:

Sec. 531-101. Definitions.

As used in this chapter, the following terms shall have the meanings ascribed to them in this section.

Animal means any living, nonhuman vertebrate creature.

Animal care and control division means the animal care and control division of the city department of public safety.

At large means not confined without means of escape in a pen, corral, yard, cage, house, vehicle or other secure enclosure, unless otherwise under the control of a competent human being.

Colony means a group of one or more free-roaming cats, whether unmanaged or managed.

Colony caretaker means a person who provides food, water and shelter for free-roaming cats in a managed colony.

Dog means and includes animals of the *Canis familiaris* species, and hybrids of a *Canis familiaris* and any other member of the *Canis* genus, including wolves.

Domestic animals means rabbits, cattle, horses, ponies, mules, donkeys, jackasses, llamas, swine, sheep, goats, dogs, cats and poultry.

Exposed to rabies means an animal has been exposed to rabies if it has been bitten by or been in contact with any animal known or reasonably suspected to have been infected with rabies.

Free-roaming cat means any homeless, stray, wild or untamed cat.

Kennel means a facility operated commercially and principally for the purpose of boarding, housing, grooming, breeding or training dogs or cats, or both. For purposes of this chapter, *kennel* shall not include a facility in or adjoining a private residence where dogs or cats are kept for the hobby of the owner, lessee or other occupant of the property using the animals for hunting, practice tracking, exhibiting in shows or field or obedience trials or for the guarding or protecting of the property, and an occasional sale of pups or kittens by the owner, lessee or other occupant of the property shall not make such property a kennel for the purposes of this chapter.

Managed colony means a colony of free-roaming cats that is registered with the animal care and control division or its designee and is maintained by a colony caretaker using trap, neuter, return methodology.

Nonbite exposure means and includes scratches, abrasions, open wounds or mucous membranes contaminated with saliva or other potentially infectious material from a rabid animal.

Own means to keep, harbor or have custody, charge or control of an animal, and *owner* means and includes any person who owns an animal; however, veterinarians and operators of kennels, pet shops and stables, as those terms are defined in Chapter 836 of this Code, who temporarily keep animals owned by, or held for sale to, other persons shall not be deemed to own or be owners of such animals, but rather to be keepers of animals, and colony caretakers of managed colonies of free-roaming cats shall not be deemed to be owners or keepers of such animals.

Person means and includes any individual, corporation, partnership or other association or organization, but shall exclude the following:

- (1) Police officers, federal or state armed forces, park rangers, game wardens, conservation officers and other such governmental agencies, with respect to actions which constitute a discharge of their official duties; and
- (2) An individual, partnership, corporation or other association, organization, or institution of higher education, which is registered as a research facility with the United States Secretary of Agriculture under 7 USC § 2131 et seq., commonly known as the "Animal Welfare Act," while engaged in the course of their performance as such.

Public safety board means the board of public safety of the city department of public safety.

Quarantining authority means the city department of public safety, its contractors, agents, employees and designees, acting under directives and regulations of the Health and Hospital Corporation of Marion County or the state board of animal health.

Shelter means the animal care and control facility located at 2600 South Harding Street in the City of Indianapolis.

Veterinarian means a person licensed to practice veterinary medicine in the state.

SECTION 2. Chapter 531, Article II, of the "Revised Code of the Consolidated City and County," regarding dogs and cats, hereby is amended by the addition of a NEW Section 531-205, to read as follows:

Sec. 531-205. Care for unmanaged colonies prohibited.

It shall be unlawful for a person to provide food, water or shelter to a colony of free-roaming cats, unless:

- (1) The colony is a managed colony, registered with the animal care and control division or its designee; or
- (2) The food, water or shelter is provided in conjunction with the implementation of trap, neuter, and return methodology as set forth in Section 531-209 of this chapter.

SECTION 3. Chapter 531, Article II, of the "Revised Code of the Consolidated City and County," regarding dogs and cats, hereby is amended by the addition of NEW Sections 531-209 and 531-210, to read as follows:

Sec. 531-209. Managed free-roaming cats.

(a) The animal care and control division or its designee, in order to encourage the stabilization of the free-roaming cat population in the city, may:

- (1) Trap any free-roaming cat in a humane manner;
- (2) Have the cat surgically sterilized, ear-tipped, and vaccinated against rabies by a licensed veterinarian; and
- (3) Release the cat to animal care and control for adoption or other disposition in accordance with law, or to a colony caretaker who will maintain the cat as part of a managed colony of free-roaming cats.

(b) The enforcement authority may impound free-roaming cats in violation of this chapter and dispose of the cats in accordance with Section 531-731. Any free-roaming cat impounded by the enforcement authority that bears an appropriate ear-tipping indicating it belongs to a managed colony may, at the discretion of the animal care and control division, be returned to its managed colony unless illness or injury present an imminent danger to public health or safety.

Sec. 531-210. Colony caretaker responsibilities.

(a) Colony caretakers shall abide by standard guidelines devised by the animal care and control division or its designee regarding the provision of food, water, shelter and veterinary care for cats within the managed colony.

(b) Colony caretakers shall have a licensed veterinarian evaluate the health of all trapped free-roaming cats. Seriously ill or injured cats with no reasonable prognosis for humane rehabilitation for survival outdoors will be humanely euthanized.

(c) A person who violates any provision of this section shall be punishable as provided in section 103-3 of this Code; provided, however, a fine imposed for the first such violation shall not be less than twenty-five dollars (\$25.00); subsequent or continued violations caretaker's removal from management of the managed colony, or the designee's removal from the program.

SECTION 4. Sections 531-301 and 531-302 of the "Revised Code of the Consolidated City and County," regarding antirabies vaccination required for dogs and cats and the record of antirabies vaccinations, hereby are amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

Sec. 531-301. Antirabies vaccinations required for dogs and cats.

(a) It shall be unlawful to keep a dog or cat or to provide food, water or shelter to a colony of free-roaming cats over the age of three (3) months in the city unless ~~each~~ cat or dog is immunized against rabies by a vaccination performed by a veterinarian and the period of immunization specified by the veterinarian performing the vaccination has not expired.

(b) A violation of this section shall be punishable as provided in section 103-3 of this Code; provided, however, the fine for any such violation shall not be less than one hundred dollars (\$100.00).

Sec. 531-302. Record of antirabies vaccinations; tag required.

(a) A veterinarian who administers an antirabies vaccination in the city shall, at the time a dog or cat is vaccinated, issue to the animal's owner a durable antirabies vaccination ~~identification~~ tag upon which is imprinted the name of the veterinarian's facility, telephone number and the year and ~~identification~~ serial number of the vaccination.

(b) ~~For the purpose of identification, e~~Each owner of a dog or cat ~~which that~~ is kept in the city shall cause the antirabies vaccination ~~identification~~ tag to be affixed to the animal's collar, and to be worn by the animal at all times. A person who violates this subsection shall be punishable as provided in section 103-3 of this Code.

(c) A veterinarian who administers an antirabies vaccination in the city to a free-roaming cat shall provide to the colony caretaker written documentation of the administration of the vaccine, which shall include the name of the veterinarian's facility, telephone number and the year and serial number of the vaccination.

(d) A colony caretaker of a colony of free-roaming cats must maintain at all times, for inspection by the enforcement authority as defined in Section 531, Article VII of this Code, a record of antirabies vaccination for all free-roaming cats within a colony. A person who violates this subsection shall be punishable as provided in section 103-3 of this Code.

SECTION 5. Section 531-402 of the "Revised Code of the Consolidated City and County," regarding abandonment of animals, hereby is amended by the addition of the language that is underscored, to read as follows:

Sec. 531-402. Abandonment of animal.

It shall be unlawful for a person to abandon any animal on public or private property in the city, and a violation of this section shall be punishable as provided in section 103-3 of this Code; provided, however, a fine imposed for any such violation shall not be less than two hundred dollars (\$200.00). Actions taken by colony caretakers in accordance with this Chapter shall not be considered abandonment of an animal.

SECTION 6. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 7. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid

provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 8. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14.

PROPOSAL NO. 486, 2005. Councillor Conley reported that the Public Works Committee heard Proposal No. 486, 2005 earlier this evening. The proposal, sponsored by Councillors Conley, Nytes, Langsford and Keller, approves the issuance of one or more series of Waterworks District Net Revenue Bonds, and if necessary, one or more bond interest rate agreements related to the bonds in an aggregate principal amount of refunding and improvement bonds not to exceed \$600,000,000 expected to produce at least \$39,500,000 in savings and other actions thereto. By a 7-2 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Borst asked if the \$39 million worth of projects have been determined yet. Barbara Lawrence, Indianapolis Bond Bank, said that she gave all Council members a handout and the projects are listed on page 16. Councillor Borst said that this page lists \$61 million worth of projects and asked where the other money is. Ms. Lawrence said that this is only part of the funding.

Councillor Bradford said that he opposes this bond approval due to the fact that Veolia will be doing the projects. There is currently a federal court case pending against them. He said turning over this money to a company that is being investigated does not make sense. He asked if something should happen to Veolia, how will this money be handled. Councillor Conley said that this is a valid point and he will make sure the Committee receives a presentation on the matter. Kobi Wright, Corporation Counsel, stated that the Waterworks Board was established differently from other municipal corporations. The board submits their budget to the Council on an annual basis, but the Council has no oversight as to how their money is spent.

Councillor Conley asked about the current water testing scare. Mr. Wright stated that the water has been declared safe by the Indiana Department of Environmental Management (IDEM).

Councillor Speedy said that he appreciates that the water company is trying to save money, but he is uncomfortable with them assuming a higher rate of risk to do so.

Councillor Bradford said that it seems the board members should show enough courtesy to come before the Council committee to answer some questions. Councillor Mahern agreed and said that this seems fair, and Chairman Conley has already agreed to arrange such.

Councillor Conley moved, seconded by Councillor Nytes, for adoption. Proposal No. 486, 2005 was adopted on the following roll call vote; viz:

24 YEAS: Abdullah, Borst, Bowes, Boyd, Brown, Cain, Cockrum, Conley, Day, Gibson, Gray, Keller, Langsford, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Randolph, Salisbury, Sanders, Talley
4 NAYS: Bradford, Plowman, Schneider, Speedy
0 NOT VOTING:
1 ABSENT: Franklin

Proposal No. 486, 2005 was retitled GENERAL RESOLUTION NO. 19, 2005, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 19, 2005

A PROPOSAL FOR A GENERAL RESOLUTION approving the issuance of one or more series of City of Indianapolis, Indiana Waterworks District Net Revenue Bonds and, if necessary, one or more bond interest rate agreements related to the bonds in an aggregate principal amount of refunding and improvement bonds not to exceed Six Hundred Million Dollars (\$600,000,000) expected to produce at least \$39,500,000 in savings and other actions in respect thereto.

WHEREAS, the Board of Directors of the Department of Waterworks ("Board") of the City of Indianapolis, Indiana ("City"), being the governing body of the Waterworks District of the City ("Waterworks District"), desires to undertake certain financial transactions to realize a substantial saving on certain outstanding bonds described below;

WHEREAS, IC 36-3-5-8 requires the City-County Council of Indianapolis and of Marion County ("City-County Council") to approve the issuance of bonds by any special taxing district of the City; and

WHEREAS, the Waterworks District is a special taxing district of the City pursuant to statute, but the Waterworks District does not intend to levy any property taxes in the Waterworks District; and

WHEREAS, IC 5-1.4 provides that a "qualified entity," which term includes the Waterworks District as a department of the City created by General Ordinance 112, 2001, may issue and sell its bonds or notes to The Indianapolis Local Public Improvement Bond Bank ("Bond Bank"); and

WHEREAS, the Executive Director of the Bond Bank has expressed a willingness to purchase the Refunding and Improvement Bonds (defined below) in a negotiated sale subject to approval by the Board of Directors of the Bond Bank and to enter into related bond interest rate agreements; and

WHEREAS, the Board has adopted one or more supplemental bond resolutions in substantially final form ("Bond Resolution"), authorizing the issuance of the revenue bonds ("Refunding and Improvement Bonds") of the Waterworks District, to be issued in one or more series, together with the bond interest rate agreements related to such Refunding and Improvement Bonds of the Waterworks District, to be issued or entered into, in one or more series, in the aggregate principal amount of Refunding and Improvement Bonds not to exceed Six Hundred Million Dollars (\$600,000,000) for the purposes of procuring funds to apply to (i) the costs of the projects set forth in Exhibit A, as well as additional projects permitted by law that may be funded with the proceeds of the Refunding and Improvement Bonds and that fit within the financing parameters established by this resolution ("Projects") and (ii) the cost of the refunding of a portion of the Waterworks District Net Revenue Bonds, Series 2002A ("2002 Bonds") in the outstanding principal amount not to exceed \$460,000,000, the Town of Fishers, Indiana Economic Development Water Facilities Refunding Revenue Bonds, Series 1998 (Indianapolis Water Company Project) ("Fishers Bonds") in the outstanding principal amount not to exceed \$29,135,000, and City of Indianapolis, Indiana Economic Development Water Facilities Refunding Revenue Bonds, Series 1998 (Indianapolis Water Company Project) in the outstanding principal amount not to exceed \$9,695,000, (collectively referred to with the Fishers Bonds as the "Assumed Bonds," which Assumed Bonds are collectively referred to with the 2002 Bonds as the "Prior Bonds"); and

WHEREAS, the issuance of the Refunding and Improvement Bonds allocable to the refunding of the Prior Bonds and entry into the related bond interest rate agreements is expected to result in a net present value savings to the Board in an amount at least equal to \$39,500,000; and

WHEREAS, the City-County Council has determined that the issuance of the Refunding and Improvement Bonds and the entry into bond interest rate agreements related thereto by the Waterworks District should be approved; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA;

SECTION 1. The City-County Council does hereby approve the issuance and sale to the Bond Bank of the Refunding and Improvement Bonds of the Waterworks District, to be issued in one or more series, and the entry into bond interest rate agreements related thereto, in an aggregate principal amount of Refunding and Improvement Bonds not to exceed Six Hundred Million Dollars (\$600,000,000) to apply on the costs of the Projects and to refund the Prior Bonds, payable solely from the revenues of the waterworks as specified in the Bond Resolution, which is incorporated herein by reference and a copy of which shall be attached to the official copy of this resolution.

SECTION 2. This Resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

NEW BUSINESS

Councillor Gray said that next week is Fire Prevention Week. A kick-off will be held at the Children's Museum at 10:30 a.m. tomorrow, and all are invited.

Councillor Cain stated that the Heartland Film Festival begins Thursday with showings at the Indiana Historical Society and at Castleton and Greenwood theatres.

President Talley wished Councillors Schneider and Day a happy birthday.

Councillor Boyd invited all Councillors to attend the Rules and Public Policy Committee hearing tomorrow evening which will feature a presentation on the convention center expansion and Indianapolis Colts contract.

ANNOUNCEMENTS AND ADJOURNMENT

The President said that the docketed agenda for this meeting of the Council having been completed, the Chair would entertain motions for adjournment.

Councillor Borst stated that he had been asked to offer the following motion for adjournment by:

- (1) All Councillors in memory of Ava Earles; and
- (2) Councillor Randolph in memory of Elsie Rumble, Mary C. Wilson Pratt Williams, Lowell King, and Latiea "Tia" Randolph; and
- (3) Councillor Pfisterer in memory of Thomas Rosenberger, Bertha Lee Boyd, Lydis Kent Haas, Dr. Louis C. Gatto, Larry G. Lewis, Verlin "Dick" Breeden, Nina Busard, Linn Piper, Donald Patrick Montgomery, Eva Warner Street, Louise Wright and Helen Beasley.

Councillor Borst moved the adjournment of this meeting of the Indianapolis City-County Council in recognition of and respect for the life and contributions of All in memory of Ava Earles, Randolph in memory of Elsie Rumble, Mary C. Wilson Pratt Williams, Lowell King, Latiea "Tia" Randolph, Pfisterer Thomas Rosenberger, Bertha Lee Boyd, Lydis Kent Haas, Dr. Louis C. Gatto, Larry G. Lewis, Verlin "Dick" Breeden, Nina Busard, Linn Piper, Donald Patrick Montgomery, Eva Warner Street, Louise Wright and Helen Beasley. He respectfully asked the support of fellow Councillors. He further requested that the motion be made a part of the permanent records of this body and that a letter bearing the Council seal and the signature of the President be sent to the families advising of this action.

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 9:42 p.m.

We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the regular concurrent meetings of the City-Council of Indianapolis-Marion County, Indiana, and Indianapolis Police, Fire and Solid Waste Collection Special Service District Councils on the 10th day of October, 2005.

October 10, 2005

In Witness Whereof, we have hereunto subscribed our signatures and caused the Seal of the City of Indianapolis to be affixed.

President

ATTEST:

Clerk of the Council

(SEAL)